

## THE TANDEM PROJECT

<http://www.tandemproject.com>.

### UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

#### 7<sup>TH</sup> SESSION HUMAN RIGHTS COUNCIL RESOLUTIONS AND AD HOC EXPERTS STUDY RELATING TO FREEDOM OF RELIGION OR BELIEF

**Issue:** 7<sup>th</sup> Session HRC Resolutions and Experts Study Relating to Freedom of Religion or Belief

**For:** United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media, Civil Society

**Review:** Several resolutions in the seventh session of the United Nations Human Rights Council 3-25 March 2008 related to the mandate on Freedom of Opinion and Expression, and the mandate on Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, to the mandate on Freedom of Religion or Belief. Contentious and **serious** differences between members of the UN Human Rights Council on the **relationship** of freedom of opinion and expression to freedom of religion or belief, and a study by five experts for the Ad Hoc Committee of the Council on the elaboration of complementary standards is discussed in this Issue Statement.

(A/HRC/7/L.14) – Call for global action against racism, racial discrimination, xenophobia and related forms of intolerance passed 34 in favor, 0 against, 13 abstentions; (A/HRC/7/L.15) – Defamation of religion passed 21 in favor, 10 against, 14 abstentions; (A/HRC/7/L.18) – Mandate on racism, racial discrimination, xenophobia and related forms of intolerance, passed by consensus; (A/HRC/7/L.24) – Mandate on freedom of opinion and expression with amendments L.39 and Cuba oral amendment, passed 32 in favor, 0 against, 15 abstentions. (A/HRC/7/L.39) – Amendment to mandate on freedom of opinion and expression “to report on instances in which abuse of the right to freedom of expression constitutes an act of racial or religious discrimination” passed 27 in favor, 17 against, 3 abstentions: Cuba oral amendment to mandate on freedom of opinion and expression adding “and also the importance for all forms of media to report and deliver information in a fair and impartial manner” passed 32 in favor, 0 against, 15 abstentions.

A report with the longest title of the seventh session was given the day before voting on the draft resolutions. “Item 9: racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Program of Action; reports of the Intergovernmental Working Group, and Ad Hoc Committee of the Council on the elaboration of **complementary standards**. A study on the complementary standards of international human rights instruments has been prepared for the post-Durban Review Conference. This has serious implications for freedom of religion or belief. This report (A/HRC/AC.1/1/CRP.4) 18 February 2008 with another long title is called: “Complementary International Standards, Compilation of Conclusions and Recommendations of the Study by the Five Experts on the Content and Scope of Substantive Gaps in the Existing International Instruments to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance.” There are **serious** implications in this report for international human rights standards on freedom of religion or belief

**Extracts from the report begin on the third page and are followed by an Issue Statement that refers to the study by the five experts.**

#### International Standards for Regional, National and Local Applications

**Objective:** Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or

Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to use international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

**Challenge:** In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today's world inspire a question such as:

- Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

**Response:** Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

**Option:** After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate of an Open-ended Working Group would have to be written in a way to assure nothing in a draft Convention would be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

**Concept:** *Separation of Religion or Belief and State – SOROBAS.* The starting point for this concept is the First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*” It suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

- **PARAGRAPH 2.** Article 18 protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.

**Dialogue:** United Nations Secretary General Ban Ki Moon, at a UN backed Alliance of Civilizations Forum in January 2008 addressed the importance of dialogue; “Never in our lifetime has there been a more desperate need for **constructive** and **committed** dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting said, “The warning signs are clear: unless we establish **genuine** dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.” Solutions to conflicts based on ideology call for dialogue on the **purpose** and role of international human rights law on freedom of religion or belief; including the **values** of these standards for regional, national and local applications.

**Education:** Ambassador Piet de Klerk addressed the Prague twenty-five year anniversary commemoration of the 1981 UN Declaration; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.” Parents are a key to this application. The 1981 UN Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.”

---

**Extracts:** Extracts are presented under the Eight Articles of the 1981 U.N. Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. Examples of extracts are presented prior to an *Issue Statement* for each Review.

**4. 1** *All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.*

**4. 2** *All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.*

Information on the high level experts for the study (A/HRC/4/53) and the Ad-Hoc Committee on the elaboration of complementary standards to be reconvened on 18 February 2008 is available at:

<http://www2.ohchr.org/english/issues/racism/AdHocCommittee.htm>

#### **IV. THE MANDATE OF THE AD HOC COMMITTEE**

**17. Human Rights Council resolution 6/21 of 28 September 2007 provides further clarity to the mandate of the Ad Hoc Committee by recalling “its decision 3/103 of 8 December 2006, by which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it decided to establish the Ad Hoc Committee of the Human Rights Council on the Elaboration of Contemporary Standards, with the mandate to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention, and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred.”**

#### **I. CONCLUSIONS AND RECOMMENDATIONS ON THE CONTENT AND SCOPE OF SUBSTANTIVE GAPS ON COMPLEMENTARY INTERNATIONAL STANDARDS WITH REGARD TO POSITIVE OBLIGATIONS OF STATES PARTIES**

##### **Assessment and recommendations**

**40. The experts recommend that a convention on human rights education be adopted, to define positive obligations of States regarding the incorporation of human rights education in their educational systems, including private, religious, and military schools.**

##### **A. Religious groups**

##### **Assessment and recommendations**

**48. The nexus between racism and religion poses complex and sensitive issues which are not**

adequately addressed under international law. The experts believe that the reference to the right to freedom of religion in article 5, paragraph (d) (vii) of ICERD should be further developed to cover the complexity of the connection between religion and race, racial discrimination, xenophobia and related intolerance. In light of the increasing incidents of Islamophobia, anti-Semitism and Christianophobia in the aftermath of the events of 11 September 2001, it is necessary that human rights bodies upgrade accordingly their general comments or recommendations, reporting guidelines, and rules of procedures.

49. It is recommended in particular that CERD adopt a general recommendation addressing concerns which have emerged in the area of racial discrimination and religion or belief.

50. In addition, the experts recommend that the Human Rights Committee revise general comment No. 22 (1993) on article 18 (Freedom of thought, conscience or religion) in order to address present challenges. The experts stress that in addressing problems linked to the nexus between racism and religion, it is vital that human rights bodies and Governments rely on the provisions of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

#### **D. Religious intolerance and defamation of religious symbols**

##### **Assessment and recommendations**

130. The experts are of the view that there is an increase in religious intolerance, and incitement to religious hatred. Equally well-founded is the observation that religious intolerance and violations of the right to freedom of religion have increased substantially in the aftermath of 11 September 2001. These developments give rise to serious concerns, which need to be addressed in a thoughtful and effective way. From the perspective of their mandate, however, the experts are of the opinion that religious intolerance combined with racial and xenophobic prejudices is adequately covered under international human rights instruments. Yet, it is in light of the concerns of the international community regarding the rise in religious intolerance that CERD may wish to consider adopting a recommendation stating explicitly the advantages of multicultural education in combating religious intolerance.

**F. Incitement to racial hatred and dissemination of hate speech and xenophobic and caricature pictures, through traditional mass media and information technology, including the Internet.**

##### **Assessment and recommendations**

150. The experts are convinced that the implementation of national legislation harmonized with human rights treaty obligations could serve effectively to prevent dissemination of hate speech. Effective cooperation between Governments, NGOs and civil society-based organizations in the identification of good practices could help curb both incitement and dissemination. Practical initiatives could include the creation of a model anti-racism network for educational institutions; the inclusion of anti-racism messages on websites accessed by young people; training courses for teachers on the use of the Internet; the sharing of good practices; the promotion of digital inclusion; the ethical use of the Internet; and the development of critical thinking skills for children.

151. It goes without saying that particular attention should be paid to the Internet because of its outreach and the decentralized nature of its architecture. The emerging approach of

**self-regulatory governance of the Internet offers an important opportunity that needs to be further explored. This could prove to be most effective in tackling incitement to racial and religious hatred and the dissemination of hate speech through this medium. States should continue the dialogue on this subject as it will lead to political agreement on how to prevent the Internet from being used for racist purposes and how to promote its use to combat racism.**

**152. In addressing the underlying question as to whether there is a gap in international human rights law pertaining to combating incitement to racial and religious hatred and the dissemination of hate speech, the experts discern a gap in application and consider that while there are provisions from various treaties addressing the issue, further guidance from treaty bodies as to the interpretive scope of these provisions and their threshold of application would be most useful.**

**ISSUE STATEMENT:** Two resolutions passed by contentious votes between members of the Human Rights Council were; (A/HRC/7/L.15) defamation of religion, and (A/HRC/7/L.24) the mandate on freedom of opinion and expression as amended. The differences were principally between the European Union (EU) and member states that are also members of the Organization of the Islamic Conference (OIC). The EU believes Article 19 and Article 20 of the International Covenant on Civil and Political Rights are sufficient human rights instruments to cover protection against discrimination under Item F of the Ad Hoc recommendations on incitement to racial and religious hatred. For the EU, reporting **restrictions** placed on freedom of opinion and expression is tantamount to a violation of the bedrock, foundational principle of democracy.

The OIC believes caricatures, cartoons, films and other media issues in some EU and other countries is Islamophobia; a fear of Islam or an abuse or defamation of religion and reporting restrictions must be placed on the media when such **abuse** of any religion is involved. Canada, the main sponsor of the original draft resolution on freedom of opinion and expression responded by saying; "Requesting a Special Rapporteur to report on abuse of this right would turn the mandate on its head. Instead of promoting freedom of expression the Special Rapporteur would be **policing** its exercise." Canada then said if this amendment is adopted as proposed by the OIC they would withdraw sponsorship from the main resolution. Canada's **position**, according to one NGO source, was "echoed by several delegations including India, who objected to the change of focus from *protecting* to *limiting* freedom of expression."

In the week HRC resolutions on defamation of religion and restrictions on freedom of opinion and expression were approved a film, "*Fina*," was released over the Internet by a Dutch Member of Parliament, Mr. Geert Wilders associating Muslims exclusively with violence and terrorism. The Dutch Government had a fast and **balanced** reaction to the film saying the "vast majority of Muslims **reject** extremism and violence;" as the Government **defends** the right to freedom of opinion and expression as a foundation of democracy. Three UN Special Rapporteurs issued a joint statement on 28 March 2008 critical of the film. The High Commissioner for Human Rights joined the condemnation saying she urges all those who understandably feel profoundly offended to denounce its hateful content by peaceful means saying, "There is a protective legal framework, and the controversy that this film will generate should take place within it."

The passage of these resolutions **continues** the split between the EU and OIC over a different issue in December 2007 on the mandate on Freedom of Religion or Belief (Word Document attached) which passed with 18 abstentions. The votes on these resolutions reflect worldwide tensions since September 11, 2001. It will take time, constructive, committed and genuine dialogue in the HRC for these views to be reconciled and resolved.

- **Dialogue:** United Nations Secretary General Ban Ki Moon, at a UN backed Alliance of Civilizations Forum in January 2008 addressed the importance of dialogue; “Never in our lifetime has there been a more desperate need for **constructive** and **committed** dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting said, “The warning signs are clear: unless we establish **genuine** dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.” Solutions to conflicts based on ideology call for dialogue on the **purpose** and role of international human rights law on freedom of religion or belief; including the **values** of these standards for regional, national and local applications.

**48. The nexus between racism and religion poses complex and sensitive issues which are not adequately addressed under international law. The experts believe that the reference to the right to freedom of religion in article 5, paragraph (d) (vii) of ICERD should be further developed to cover the complexity of the connection between religion and race, racial discrimination, xenophobia and related intolerance. In light of the increasing incidents of Islamophobia, anti-Semitism and Christianophobia in the aftermath of the events of 11 September 2001, it is necessary that human rights bodies upgrade accordingly their general comments or recommendations, reporting guidelines, and rules of procedures.**

The report by the Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance may be too **narrow** in scope regarding religion, with repeated references to three monotheistic religious beliefs, not taking into account the broadest possible scope of freedom of religion or belief. This is true of the five experts study for the Ad Hoc Committee of the Council on the elaboration of complementary standards as well, when they recommend an addition to General Comment 22 on Article 18 of the ICCPR, rather than taking a **bold** step to be more inclusive of all religion or belief in the elaboration of complementary human rights standards on race and religion. (Word Document attached: Race & Religion or Belief).

The study by five experts says there is a gap in international human rights instruments on race and religion. However they do not refer to the origin of the gap which began in 1962 when two Conventions were proposed by the General Assembly on racial and religious discrimination. The Convention on the Elimination of Racial Discrimination (CERD) easily passed in 1969. The General Assembly could not agree whether to adopt a Convention on Religious Intolerance. In 1968 they deferred work on a Convention and began work that eventually led to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. (Word Document attached: History; United Nations & Freedom of Religion or Belief). This chronological history explains why a Convention on Religious Intolerance was deferred and why it took so long to adopt a Declaration on a bedrock foundational principle of the Universal Declaration of Human Rights. Another answer may be found in a reflection by Sam Harris in his *Letter to a Christian Nation*:

- Religion raises the stakes of human conflict much higher than tribalism, racism, or politics ever can, as it is the only form of in-group/out-group thinking that casts the differences between people in terms of eternal rewards and punishments.

**Challenge:** In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability

by all religions or beliefs. The tensions in today's world inspire a question such as:

- Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

**Option:** After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate of an Open-ended Working Group would have to be written in a way to assure nothing in a draft Convention would be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

**Concept:** *Separation of Religion or Belief and State (SOROBAS)*. The starting point for this concept is the First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. It suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

- **PARAGRAPH 2.** Article 18 protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.

**49. It is recommended in particular that CERD adopt a general recommendation addressing concerns which have emerged in the area of racial discrimination and religion or belief.**

**50. In addition, the experts recommend that the Human Rights Committee revise general comment No. 22 (1993) on article 18 (Freedom of thought, conscience or religion) in order to address present challenges. The experts stress that in addressing problems linked to the nexus between racism and religion, it is vital that human rights bodies and Governments rely on the provisions of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.**

The study by the five experts refers to the 1981 UN Declaration and stresses the vital importance of relying on its provisions. This includes Article 8 of the 1981 UN Declaration: *Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.*

**152. In addressing the underlying question as to whether there is a gap in international human rights law pertaining to combating incitement to racial and religious hatred and the dissemination of hate speech, the experts discern a gap in application and consider that while there are provisions from various treaties addressing the issue, further guidance from treaty bodies as to the interpretive scope of these provisions and their threshold of application would be most useful.**

**40. The experts recommend that a convention on human rights education be adopted, to define positive obligations of States regarding the incorporation of human rights education in their educational systems, including private, religious, and military schools.**

This is a recommendation by the five experts for a Convention on human rights education. It should refer directly to human rights education on freedom of religion or belief and be expanded to include places of worship, to begin at an early age.

- **Education:** Ambassador Piet de Klerk addressed the Prague twenty-five year anniversary commemoration of the 1981 UN Declaration; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.” Parents are a key to this application. The 1981 UN Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.”

---

**Reply:** The Tandem Project Country & Community Database collects information worldwide on United Nations Human Rights Bodies. The information is used for UN Human Rights Council Universal Periodic Reviews (UPR); UN Treaty-based Reports; UN Special Procedures, Special Rapporteur Reports. Click on the link below to open the Database. Read the Instructions & Table of Contents: scroll to an Article of your choice and click to reply.

<http://www.tandemproject.com/databases/forms/card.htm>

**The Tandem Project:** a non-profit, non-governmental organization established in 1986 to build understanding and respect for diversity of religion or belief, and prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative was launched in 1986 as the result of a co-founder representing the World Federation of United Nations Associations (WFUNA) at a 1984 United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

The Tandem Project Executive Director: Michael M. Roan, [mroan@tandemproject.com](mailto:mroan@tandemproject.com).

*The Tandem Project is a UN NGO in Special Consultative Status with the  
Economic and Social Council of the United Nations*

**WORD DOCUMENT ATTACHED**

**THE 1981 U.N. DECLARATION ON THE ELIMINATION OF ALL  
FORMS OF INTOLERANCE AND OF DISCRIMINATION  
BASED ON RELIGION OR BELIEF**



Proclaimed by the General Assembly of the United Nations  
25 November, 1981 (Resolution: 36/55)

*Considering* that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion or belief,

*Considering* that the disregard and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to humankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to a kindling hatred between peoples and nations,

*Considering* that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

*Considering* that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion or belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

*Convinced* that freedom of religion or belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

*Noting* with satisfaction the adoption of several, and the coming into force of some conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

*Concerned* by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

*Resolved* to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the grounds of religion or belief,

*Proclaims* this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

**ARTICLE 1: LEGAL DEFINITION**

**1. 1** *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practices and teaching.*

**1. 2.** *No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.*

**1. 3** *Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.*

## **ARTICLE 2: CLASSIFYING DISCRIMINATION**

**2. 1** *No one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or other beliefs.*

**2. 2** *For the purposes of the present Declaration, the expression ‘intolerance and discrimination based on religion or belief’ means any distinction, exclusion, restriction, or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.*

## **ARTICLE 3: LINK TO OTHER RIGHTS**

**3. 1** *Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.*

## **ARTICLE 4: EFFECTIVE MEASURES**

**4. 1** *All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.*

**4. 2** *All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.*

## **ARTICLE 5: PARENTS, CHILDREN, STATE**

**5. 1** *The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.*

**5. 2** *Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians; the best interests of the child being the guiding principle.*

**5. 3** *The child shall be protected from any form of discrimination on the grounds of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for the freedom of religion or belief of others and in full consciousness that his energy and talents should be devoted to the service of his fellow men.*

**5. 4** *In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.*

**5. 5** *Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account Article 1, paragraph 3, of the present Declaration.*

## **ARTICLE 6: NINE SPECIFIC RIGHTS**

In accordance with Article 1 of the present Declaration, and subject to the provisions of Article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the

following freedoms:

**6. 1** *To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;*

**6. 2** *To establish and maintain appropriate charitable or humanitarian institutions;*

**6. 3** *To make, acquire and use to an adequate extent the necessary articles and materials related to the rites and customs of a religion or belief;*

**6. 4** *To write issue and disseminate relevant publications in these areas;*

**6. 5** *To teach a religion or belief in places suitable for these purposes;*

**6. 6** *To solicit and receive voluntary financial and other contributions from individuals and institutions;*

**6. 7** *To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;*

**6. 8** *To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;*

**6. 9** *To establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.*

#### **ARTICLE 7: NATIONAL LEGISLATION**

**7. 1** *The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.*

#### **ARTICLE 8: EXISTING PROTECTIONS**

**8. 1** *Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.*